



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,765	10/25/2000	Bob Lamoureux	W0001-006001	3130

28089 7590 04/03/2006

WILMER CUTLER PICKERING HALE AND DORR LLP
399 PARK AVENUE
NEW YORK, NY 10022

EXAMINER

FISCHETTI, JOSEPH A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/696,765	Applicant(s) LAMOUREUX ET AL.	
	Examiner Joseph A. Fischetti	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,8-10,16-18,24,26 and 33-35 is/are pending in the application.
- 4a) Of the above claim(s) 1-4,8-10,16-18,24 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipkin in view of Dorak.

Lipkin discloses making a first set of personal profiles available, each personal profile in the first set of personal profiles including a first set of values for a plurality of information fields, the plurality of information fields relating to commercial transactions (first set of values is read as meta data used by Match Agent 1302 and/or the Information Distributor template); receiving a second set of personal profiles, each personal profile in the second set of personal profiles including a second set of values for the plurality of information fields (second set of values read as web RDF data 1102 having metadata identifying the underlying information), based upon at least part of the first set of personal profiles and at least part of the second set of personal profiles making at least part of the second set of personal profiles available based upon the at least part of the first set of personal profiles and the at least part of the second set of personal profiles (Match Agents and Information Distributor matches metadata and these agents cause web materials to be accessed).

However, there appears to be no disclosure of receiving a request to enter into a trusted relationship, receiving a set of trusted relationship information, and making the set of trusted relationship information available whereby a commercial transaction is facilitated. However, Dorak discloses using a message (read as request to enter trusted relationship, e.g. enter digital content store) data in a meta data to uses name in metadata to (read as making trusted relationship data available to effect digital content acquisition. In other words, Dorak uses metadata captured from the content provider's database 160 ...using the content providers unique identifier (cols. 11, line 60) to request entry into a trusted relationship, e.g. clearing house 105, which uses the data 113 to request license and then receive trusted relationship data col. 23 lines 51 et seq. It would be obvious to modify Lipkin to include the trusted relationship feature of Dorak because both references involve metadata matching to achieve content transfer and the motivation for including a making a trusted relationship based on metadata is the ability to use data string which can be matched quickly to establish whether the transaction should occur.

Re claim 34: these steps are included in claim 33 and so the analysis is repeated in pertinent part.

RE claim 35: these steps are included in claim 33 and so the analysis is repeated in pertinent part. The trusted relationship information is sent in Dorak in the message with the user's identity.

REPLY:

Applicant argues that the provision application 60/176,137 on which US 6721747 relies does not relate to the presently claimed invention. Although Applicant has indicated a copy of this document is included in the response, none was found. The examiner has using PTO resources obtained a copy of the disclosure and hereby makes it part of the record. The Examiner has gone through the 60/176,137 in detail and is satisfied that reading it one of ordinary skill in the art would derive the invention described in US 6721747 from it. Hence 60/176137 does relate to the claimed invention at hand.

Examples evidencing this are found consistently throughout the document and include but not limited to:

Page 3, "IDK provides the infrastructure and services to perform metadata based inquiries"; page5 RDF "can represent both simple and complex queries, and can also accommodate metadata matching, that is metadata description can be part of the query"; page 6, Import agents create and import the RDF descriptions used by IDK. Import agents can generate metadata from a variety of sources, from existing web pages to content management systems to enterprise applications, page 6, Match

templates specify certain fields as belonging to a target RDF file...perform a predefined search against a specific individual's description".

Applicant next argues Lipkin is unrelated to the present invention of matching user profiles as part of a commercial transaction. Provisional '137 calls for, inter alia, the application of the metadata matching to be applied to "enterprise applications" (page 6), project assignment implementation (page 4), applications as a "simplified interface for use with the Business Developer Kit" all of which make up part of a commercial transaction. Webster's Collegiate Dictionary 10th Edition defines "commercial" as "of or relating to business" and "transaction" is defined as "a communicative action or activity involving two parties or things that reciprocally affect or influence each other". It is the examiner's opinion that "enterprise applications", project assignments and business development can all reasonably be considered to be types of commercial transactions because each includes an element of communication and involves two parties interacting with one another.

Applicant next argues that Dorak fails to teach the receiving a request to enter into a trusted relationship based upon the at least part of the first set of personal profiles and the second set of personal profiles". However, much like the metadata matching feature of the claims at hand, Dorak uses metadata captured from the content provider's database 160 to obtain the content provider's unique identifier (cols. 11, line 60) to request entry into a trusted relationship e.g. clearing house 105 uses the data 113 to


Art Unit: 3627

request license and then receive trusted relationship data col. 23 lines 51 et seq. Thus the combination is seen by the examiner as almost seamless.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number (703) 305-0731.


JOSEPH A. FISCHETTI
PRIMARY EXAMINER
Joseph A. Fischetti
Primary Examiner
Art Unit 3627